

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

| | | |
|-----------------------|---|--------------------------------|
| In the Matter of |) | |
| |) | |
| SERVICE REPROGRAPHICS |) | Docket No. CERCLA-07-2003-0005 |
| COMPANY, INC. |) | EPCRA-07-2003-0005 |
| |) | |
| Respondent |) | CONSENT AGREEMENT AND FINAL |
| |) | ORDER |

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated on October 10, 2002, pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. § 11045, when the United States Environmental Protection Agency (EPA or Complainant) issued to Service Reprographics Company, Inc., (Respondent) a Complaint and Notice of Opportunity for Hearing. Respondent asserts that its correct legal name is Service Blueprint Company, and that Service Reprographics Company, Inc., was a trade name formerly utilized by Service Blueprint Company. Service Blueprint Company now uses a d/b/a trade name of Indox Services. It is understood and agreed by the parties that the use of the name "Service Reprographics Company" in this document addresses, commits, and obligates Service Blueprint Company and/or any trade name that it utilizes, for all obligations and responsibilities that are specifically mentioned or incorporated in this Consent Agreement and Final Order. Respondent is now known as "Service Blueprint Company d/b/a Indox Services," however for the purpose of this Agreement Service Blueprint

Company d/b/a Indox Company may be addressed as Service Reprographics Company, Inc., Indox, or Respondent.

EPA and Respondent entered into negotiations in an attempt to settle the allegations contained in the Complaint. Respondent presented several mitigating factors and this Consent Agreement and Final Order (CAFO) are the result of those negotiations. The CAFO represents settlement of all release of anhydrous ammonia by Respondent up to and including February 8, 2002.

CONSENT AGREEMENT

1. For the purpose of this proceeding, Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the factual allegations of the Complaint.

2. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint, and waives his right to appeal the Final Order accompanying this Consent Agreement.

3. Respondent and Complainant agrees to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

4. Respondent hereby represents and warrants that its management has familiarized itself with the reporting requirements with respect to releases of the reportable quantity of anhydrous ammonia, a substance utilized in the operations of INDOX. Further, INDOX represents that it has taken all reasonable steps to protect against vandalism or theft of anhydrous ammonia from its new facility located at One Document Drive, Overland, Missouri 63114.

5. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty in the amount of Twenty Five Thousand

Dollars (\$25,000.00) within thirty days of the effective date of the Final Order.

6. Respondent certifies by signing this CAFO that to its knowledge it is presently in compliance with CERCLA and EPCRA, and all regulations promulgated thereunder.

7. The CAFO represents settlement of all release of anhydrous ammonia up to and including February 8, 2002. Nothing in this Consent Agreement shall be construed as a release from, or to insulate Respondent from, any other action under any law and/or regulation administered by the U.S. Environmental Protection Agency.

8. Failure to timely pay the assessed penalty may result in the referral of this matter to the United States Department of Justice for collection.

FINAL ORDER

Pursuant to the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601, the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. § 11001, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Twenty Five Thousand Dollars (\$25,000.00) in the following manner: Twelve Thousand Five Hundred Dollars (\$12,500.00) shall be made payable to the "Treasurer, United States of America" in the form of Cashier's or Certified Check and mailed to: U.S. EPA-Region VII (Regional Hearing Clerk), C/O Mellon Bank, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251. Twelve Thousand Five Hundred Dollars (\$12,500.00) shall be made payable to the "EPA Hazardous Substance Superfund" and mailed to: EPA-Region VII, Superfund Accounting, C/O Mellon Bank, P.O. Box 360748M, Pittsburgh, Pennsylvania 15251. The payments shall be identified as In the Matter of Service Reprographics Company, Inc. A copy of the checks shall be forwarded to Rupert G. Thomas, Office of Regional Counsel,

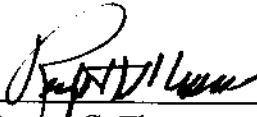
Region VII, EPA, 901 North 5th Street, Kansas City, Kansas 66101.

2. The payments shall be paid on or before 30 days of the effective date of the Final Order (the date by which the payments must be received shall be hereinafter be referred to as the "due date"). The effective date of this order shall be the date on which it is signed by the Regional Judicial Officer.

3. Respondent's failure to pay any portion of the civil penalty assessed herein in accordance with the provisions of this Order may result in the commencement of a civil action in Federal District Court to recover the remaining balance, along with penalties and accumulated interest, and any other assessments and/or penalties permitted by law.

4. Respondent and Complainant shall bear their own costs and Attorney's fees incurred as result of this matter.

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

By: 
Rupert G. Thomas
Attorney
Office of Regional Counsel

Date: 6/4/03

RESPONDENT:
SERVICE BLUEPRINT COMPANY
d/b/a INDOX^{Services} (Formerly known as SERVICE
BLUEPRINT COMPANY d/b/a SERVICE
REPROGRAPHICS COMPANY, INC.)

By:  Treasurer

Date: 5/29/2003

IN THE MATTER OF Service Reprographics Company, Inc. Respondent
Docket Nos. CERCLA-07-2003-0005 and EPCRA-07-2003-0005

IT IS SO ORDERED. This Order shall become effective immediately.



Robert L. Patrick
Regional Judicial Officer
U.S. Environmental Protection Agency
Region VII

June 13, 2003
Date

IN THE MATTER OF Service Reprographics Company, Inc., Respondent
Docket No. CERCLA-07-2003-0005 and EPCRA-07-2003-0005

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Rupert G. Thomas
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Stephen G. Jeffery, Esq.
One U.S. Bank Plaza, Suite 2900
St. Louis, Missouri 63101


and

Robert J. Selsor, Esq.
Suelthaus & Walsh, P.C.
7733 Forsyth Blvd, 12th Floor
St. Louis, Missouri 63105

Copy by First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D. C. 20460

Dated: 6/13/03


Kathy Robinson
Regional Hearing Clerk